

Western Australian  
Electoral Commission

Local Government Election

# Scrutineer Information Guide

Version 1.0 (HO152) — 11 August 2025



WESTERN AUSTRALIAN  
Electoral Commission

## Our purpose and values

The WA Electoral Commission's purpose is to provide Western Australians with an electoral experience that they understand, trust and can access easily and efficiently. The Commission is guided by its five core values:

### Impartial

Our electoral outcomes will not be influenced by others.

### Professional

Our work will be at the highest standards for ethics, accuracy and efficiency.

### Respectful

Our relationships will be courteous, honest and fair with all.

### Innovative

Our systems and processes will adapt to customers' needs.

### Collaborative

As a team we will consult and test new ideas with customers.

*The Western Australian Electoral Commission acknowledges the Traditional Owners of the lands on which our electoral activities take place. We pay our respects to Elders past, present and emerging.*

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# 1. Introduction

Candidates are entitled to appoint scrutineers to represent their interests at operations involving the processing or counting of ballot papers.

Each of the following forms must be completed for each scrutineer appointed. Both forms must be provided together to the Returning Officer or Presiding Officer prior to the scrutineer commencing their duties:

- LG018A – *Appointment of Scrutineer* — original copy, signed by the candidate.
- LG018B – *Appointment of Scrutineer* — duplicate copy, signed by the candidate, with the scrutineer also signing the declaration on the form (before a Justice of the Peace, or other person authorised to take statutory declarations, or the Returning Officer/Presiding Officer).

These forms are supplied to candidates or are available on the Western Australian Electoral Commission [“the Commission”; “WAEC”] website.

# 2. Role of scrutineers

Scrutineers have the right to:

- attend any polling place mentioned in their notice of appointment
- witness the sealing of the ballot box at a polling place
- attend any location where votes are processed and counted (with counts typically taking place at each Council office)
- observe all procedures to confirm compliance with legislative requirements
- leave a polling or counting venue at any time
- be present at the preparation of postal voting papers for counting, but only at a sufficient distance that the markings on the ballot papers cannot be ascertained by the scrutineers
- be present after the close of the poll when ballot boxes are opened and during the counting of the votes so as to observe all proceedings at the count.

On election night, scrutineers should arrive by 5.30pm to ensure they are admitted for the start of the count soon after 6pm.

The candidate must state which polling place each scrutineer will attend. A scrutineer can be appointed for one or more polling places and once the appointment formalities have been completed the scrutineer can move around on Election Day between the polling places to which they have been appointed.

## 2.1. How scrutineers are appointed

A scrutineer can be appointed at any time; however, given that the appointment requires the signature of a candidate, it is helpful to arrange appointments prior to Election Day.

When all appointments have been received, the Returning Officer produces a list of all the appointments and issues a copy to each Presiding Officer.

If the person's name is not on the list and he or she cannot show the completed LG018B – *Appointment of Scrutineer* — duplicate copy to the Presiding Officer, the prospective scrutineer will then be given a new Form 18 in duplicate:

- LG018A – *Appointment of Scrutineer* — original copy
- LG018B – *Appointment of Scrutineer* — duplicate copy.

The scrutineer will then be asked to have these forms be completed by the candidate. He or she must then find the candidate and go through all the steps of appointment.

## 2.2. Restrictions on scrutineers

A scrutineer:

- must comply with all directions given by the Returning Officer or Presiding Officer
- must not touch any ballot paper
- must leave the polling place when making any telephone calls
- may not interrupt the sorters and checkers at the processing centre
- may not interrupt data entry operators at the polling place
- must not record the name of a person who attends a polling place to vote or any information given by a person to an electoral officer in order to receive a ballot paper
- must wear identification supplied by the Returning Officer or Presiding Officer, which is a name tag and a yellow scrutineer vest, at all times
- must not use phones to take photographs of any proceedings or any individuals in the count area
- should direct all enquiries to the Returning Officer or Presiding Officer.

Only one scrutineer for the candidate can be in a polling place at any one time.

### 3. Count of votes

As soon as is practicable after 6pm on election night, the Returning Officer will arrange for the votes to be counted and determine the result of the election. In the event of a candidate standing for both a mayoral/president and ward (councillor) election, the result of the election for mayor/president is to be determined prior to completing the ward (councillor) election count.

Optional Preferential Voting ["OPV"] is used for local government elections. Optional Preferential Voting requires that voters only need to register a first preference on their ballot papers for their votes to be counted. Voters who wish to register one or more additional preferences among the remaining candidates can do so, using consecutive numbers.

If the election is to fill two or more offices of councillor, then the candidates elected are:

- the candidate(s) who reached quota
- the highest continuing candidate(s) that remains in the count to fill the remaining vacancy(s).

In the event of a tie, the Returning Officer will then draw lots, in the presence of scrutineers, to determine which candidate is elected.

Many counts will not conclude on election night and the Returning Officer and count staff/scrutineers will reconvene on Sunday morning to finalise the count. All counts (manual and CountWA) are to cease at **10.30pm** on election night. If required, counting will resume at **9am** on Sunday.

If the count is adjourned on Saturday night, then the votes will be returned to the ballot boxes. The ballot boxes will then have a fresh seal applied and be stored securely by the Returning Officer overnight.

The complexity of the OPV count may make it impossible to declare the results on election night for all local governments.

#### 3.1. Computer-assisted counting

The Electoral Commissioner will use a computer-assisted counting system ["CountWA"] for a local government election. Where this system is in use:

- for single vacancy elections:
  - ballot papers are sorted into the first preferences of the candidates and the number of first preferences for each candidate is entered into the counting system. The counting system will then advise of the next step to be conducted in relation to the order of distributing preferences from excluded candidates.
- for multiple vacancy elections:
  - ballot papers are first scrutinised and counted into batches for data entry. The numbers marked by an elector on a ballot paper will then be data-entered

manually into a computer to allow the count to proceed electronically. The same ballot papers will then be entered again by another operator (verified).

- After all batches have been entered and verified, the Returning Officer will generate an automated count of all the ballot papers.

Data entry operators are not to be questioned by scrutineers. Scrutineers must address questions to the Returning Officer or the count supervisor.

### **3.2. Request for a re-count**

The Returning Officer may arrange for some or all of the votes to then be re-counted, if, and to the extent that, the Returning Officer considers it appropriate.

A Returning Officer can decide to re-count some or all the votes on their own initiative.

A candidate, or a scrutineer on behalf of a candidate, may ask the Returning Officer to re-count the ballot papers.

This request must be in writing and must:

- be made before the Returning Officer declares the result of the election, in accordance with section 4.77 of the *Local Government Act 1995*; and
- include the candidate's or scrutineer's reasons for the request.

The Returning Officer will carefully consider the reasons and make a decision as to whether to re-count the ballot papers. If a Returning Officer believes a re-count is not necessary, they will then advise all candidates and scrutineers who are present. The Returning Officer's decision is final and can only be overturned by the Court of Disputed Returns. The Returning Officer will keep candidates and scrutineers informed of the re-count.

## **4. Declaration of result**

The outcome of a count is not final until the Returning Officer formally declares the result. If the initial count indicates that the result of the election is very close, the Returning Officer may then decide to conduct a recount before they declare the result.

As soon as practicable after the result of the election is known, the Returning Officer will publicly declare the result. However, this announcement will only be made when the Returning Officer is satisfied that the count has been conducted in a proper manner and that the distribution of all preferences and any recounts have been dealt with.

When the Returning Officer declares the result of the election, they will also declare the 1<sup>st</sup> and 2<sup>nd</sup> unelected candidates. The 1<sup>st</sup> and 2<sup>nd</sup> unelected candidates are the unsuccessful candidates who would have been next placed in the order of votes received. In the event that a mayor/president or councillor position becomes vacant within twelve (12) months of the current election, the 1<sup>st</sup> unelected candidate in the election for that position will be asked to fill the vacancy for the remainder of the term of office. If they decline, the 2<sup>nd</sup> unelected candidate will then be asked to fill the vacancy for the remainder of the term of office. If both candidates decline, an extraordinary election will then be required to be held at a later date.

## **5. Electoral offences**

Scrutineers should read Division 11 of Part 4 of the *Local Government Act 1995* in relation to electoral offences.





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**Email** [waec@waec.wa.gov.au](mailto:waec@waec.wa.gov.au)

**Web** [elections.wa.gov.au](http://elections.wa.gov.au)

### **Translating & Interpreting Service (TIS)**

13 14 50 and then ask for (08) 9214 0400

### **National Relay Service (NRS)**

Speak & Listen number 1300 555 727

SMS Relay number 0423 677 767